

115TH CONGRESS  
2D SESSION

# S. 3426

To require the Secretary of Defense to establish an initiative on improving the capacity of military criminal investigative organizations to prevent child sexual exploitation, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

SEPTEMBER 6, 2018

Mr. SCHATZ (for himself and Ms. MURKOWSKI) introduced the following bill; which was read twice and referred to the Committee on Armed Services

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## A BILL

To require the Secretary of Defense to establish an initiative on improving the capacity of military criminal investigative organizations to prevent child sexual exploitation, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “End National Defense  
5       Network Abuse Act of 2018” or the “END Network  
6       Abuse Act of 2018”.

7       **SEC. 2. FINDINGS.**

8       Congress finds the following:

1           (1) In a survey of online peer-to-peer networks,  
2 there is an alarming amount of traffic related to the  
3 online trading and sharing of child sexual exploi-  
4 tation material.

5           (2) Child sexual exploitation, which includes  
6 child pornography, child sexual abuse, and child sex  
7 trafficking is a complex and growing problem that  
8 requires a coordinated, multifaceted response.

9           (3) Victims of child sexual exploitation are less  
10 likely to self-report or be identified by outside  
11 sources because of their age and the nature of the  
12 crimes committed against them.

13           (4) Individuals participating in the possession  
14 and trade of child pornography are significantly  
15 more likely to also participate in other forms of child  
16 sexual exploitation, including child sexual abuse and  
17 child trafficking.

18           (5) The detection of online peer-to-peer trading  
19 of child pornography focuses on images of children  
20 under age 12. Approximately 20 percent of the total  
21 number of child sexual exploitation images discov-  
22 ered feature children ages 0 to 4.

23           (6) The Internet Crimes Against Children Child  
24 Online Protective Services (ICACCOPS) program  
25 has been used to identify and collect evidence for the

1 purpose of prosecuting offenders online. The pro-  
2 gram also catalogues images and creates a digital li-  
3 brary for the purpose of identifying victims of child  
4 sexual exploitation through these images.

5 (7) In 2017, using such program, which scans  
6 the Internet for peer-to-peer trading of child pornog-  
7 raphy, law enforcement officials identified 663,853  
8 unique Internet Protocol (IP) addresses associated  
9 with the possession or trading of child pornography.  
10 Each unique Internet Protocol address is associated  
11 with possessing or trading a range of images, with  
12 some possessing more than 50,000 images that de-  
13 pict the sexual abuse of children.

14 (8) Training military criminal investigative or-  
15 ganizations on advanced tools is integral to the pro-  
16 tection of both military and civilian children.

17 (9) Continued training on advanced techno-  
18 logical tools will allow military criminal investigative  
19 organizations to acquire, adapt, and maintain the  
20 technical skills and knowledge needed to keep up  
21 with the landscape of online child sexual exploi-  
22 tation, which is constantly changing as perpetrators  
23 take new steps to avoid detection.

24 (10) There are existing best practices and mod-  
25 els that the Department of Defense should leverage,

1 including online technologies that can simplify the  
2 investigative process.

3 **SEC. 3. INITIATIVE TO IMPROVE THE CAPACITY OF MILI-**  
4 **TARY CRIMINAL INVESTIGATIVE ORGANIZA-**  
5 **TIONS TO PREVENT CHILD SEXUAL EXPLOI-**  
6 **TATION.**

7 (a) IN GENERAL.—Not later than 180 days after the  
8 date of the enactment of this Act, the Secretary of Defense  
9 shall establish an initiative on improving the capacity of  
10 military criminal investigative organizations to prevent  
11 child sexual exploitation. Under the initiative, the Sec-  
12 retary shall assess the feasibility and advisability of work-  
13 ing with an external partner to train military criminal in-  
14 vestigative organization officials at Department of Defense  
15 installations from all military departments regarding—

- 16 (1) online investigative technology, tools, and  
17 techniques;
- 18 (2) computer forensics;
- 19 (3) complex evidentiary issues;
- 20 (4) child victim identification;
- 21 (5) child victim referral for comprehensive in-  
22 vestigation and treatment services; and
- 23 (6) related instruction.

1 (b) PARTNERSHIPS AND AGREEMENTS.—Under the  
2 initiative, the Secretary shall develop partnerships and es-  
3 tablish collaborative agreements with the following:

4 (1) The Department of Justice, Office of the  
5 Attorney General, in better defining the investigative  
6 jurisdictions and law enforcement authorities of the  
7 military criminal investigative organizations, and in  
8 improving the justice community’s understanding of  
9 those law enforcement authorities to enforce Federal  
10 criminal statutes.

11 (2) Federal criminal investigative organizations  
12 responsible for enforcement of Federal criminal stat-  
13 utes related to combatting child sexual exploitation,  
14 in order to ensure a streamlined process for trans-  
15 ferring criminal investigations into child exploitation  
16 to other jurisdictions, while maintaining the integrity  
17 of the evidence already collected.

18 (3) A highly qualified national child protection  
19 organization or law enforcement training center with  
20 demonstrated expertise in the delivery of law en-  
21 forcement training to detect, identify, investigate,  
22 and prosecute individuals engaged in the trading or  
23 production of child pornography and the online solie-  
24 itation of children.

1           (4) A highly qualified national child protection  
2 organization with demonstrated expertise in the de-  
3 velopment and delivery of multidisciplinary interven-  
4 tion training including evidence-based forensic inter-  
5 viewing, victim advocacy, trauma-informed mental  
6 health services, medical services, and multidisci-  
7 plinary coordination between the Department of De-  
8 fense and civilian experts to improve outcomes for  
9 victims of child sexual exploitation.

10           (5) Children’s Advocacy Centers located in the  
11 same communities as military installations that co-  
12 ordinate the multidisciplinary team response and  
13 child-friendly approach to identifying, investigating,  
14 prosecuting, and intervening in child sexual exploi-  
15 tation cases that can partner with military installa-  
16 tions on law enforcement, child protection, prosecu-  
17 tion, mental health, medical, and victim advocacy to  
18 investigate sexual exploitation, help children heal  
19 from sexual exploitation, and hold offenders account-  
20 able.

21           (6) State and local authorities to address law  
22 enforcement capacity in communities where military  
23 installations are located, and to prevent lapses in ju-  
24 risdiction that would undercut the Department’s ef-  
25 forts to prevent child sexual exploitation.

1           (7) The National Association to Protect Chil-  
2           dren and the United States Special Operations Com-  
3           mand Care Coalition to replicate successful outcomes  
4           of the Human Exploitation Rescue Operative  
5           (HERO) Child Rescue Corps program within mili-  
6           tary criminal investigative organizations and other  
7           Department components to combat child sexual ex-  
8           ploitation.

9           (c) LOCATIONS.—

10           (1) IN GENERAL.—The Secretary shall carry  
11           out the initiative—

12                   (A) in at least two States where there is a  
13                   high density of Department network users in  
14                   comparison to the overall population of the  
15                   States;

16                   (B) in at least two States where there is  
17                   a high population of Department network users;

18                   (C) in at least two States where there is a  
19                   large percentage of Indian children, including  
20                   children who are Alaska Native or Native Ha-  
21                   waiian;

22                   (D) in at least one State with a population  
23                   with fewer than 2,000,000 people;

1           (E) in at least one State with a population  
2           with fewer than 5,000,000 people, but not fewer  
3           than 2,000,000 people;

4           (F) in at least one State with a population  
5           with fewer than 10,000,000 people, but not  
6           fewer than 5,000,000; and

7           (G) in at least one State with a population  
8           with 10,000,000 or more people.

9           (2) GEOGRAPHIC DISTRIBUTION.—The Sec-  
10          retary shall ensure that the locations at which the  
11          initiative is carried out are distributed across dif-  
12          ferent regions.

13          (d) ADDITIONAL REQUIREMENTS.—In carrying out  
14          the initiative, the Secretary shall—

15               (1) participate in multi-jurisdictional task  
16               forces;

17               (2) establish cooperative agreements to facili-  
18               tate co-training and collaboration with Federal,  
19               State, and local law enforcement; and

20               (3) develop a streamlined process to refer child  
21               sexual abuse cases to other jurisdictions.

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